15/
CF/10/

No. 03

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

WRIT PETITION No. 3292 /2005

PETITIONER
Plaintiff

Rupa Bai
aged about 45 years
W/o Shri Dhauajraj Singh, D/o Shri Somsay Chouhan by Occupation House Hold wife, R/o Village Farsabahar, Present address Lelunga Tahsil Ghargohada Distt. Raigarh (C.G.)

2571/05
P.R. No.
Presented by Shri Anand Shukla
dated 13/6/05

VERSUS

RESPONDENTS
Defendant

1. Gangadeen aged about 40 years S/o Shiv Charan Chouhan, By Occupation Service. PWD Office Pathalgaon R/o Pathalgaon Distt. Jashpur.

2. The State of Chhattisgarh Through Collector Raigarh

Received
13/6/05

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

22

आदेश पत्रक

मामला क्रमांक WP.3222/25 सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

25.7.2005

Shri Parag Kotecha, counsel for the petitioner.

Shri Devesh Verma, Panel Lawyer for the State.

The petitioner has preferred this petition under Article 226 /227 of the Constitution of India questioning the legality of order dated 2.5.2005 passed by learned Civil Judge Class-I, Raigarh whereby learned Civil Judge has rejected the application of the petitioner filed under Order 17 Rule 1 of the CPC on the ground that even after giving 11 adjournments the petitioner was not able to adduce the evidence of witness namely Pawan Kumar the medical certificate regarding illness of the said witness is also suspicious.

I have heard learned counsel for the parties.

Perusal of impugned order shows that on 13.12.2002 issues were framed and the matter was been fixed for evidence of the parties for 13.1.2003. Thereafter, the petitioner herein took two years' time to adduce evidence and during that period he got examined herself, Jagannath, Prahlad & Dhwajraj Singh. On the last date of hearing i.e. 2.5.2005 the petitioner moved an application under Order 17 Rule 1 of the CPc for allowing her to adduce evidence of one Pawan Kumar, who was said to be sick and a medical certificate was also filed. This application was objected by the defendants on the ground that medical certificate is not genuine and witness Pawan Kumar is not sick, as he was watching a programme with him in the last night. Considering the above facts the trial court rejected the request made by the petitioner by way of said application

(क्रमशः)

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	-2-	

Further perusal of impugned order shows that sufficient opportunities were granted to the petitioner to lead evidence, but even after taking 11 adjournments the petitioner was not able to produce said Pawan Kumar. Moreover, as per trial court order the affidavit submitted by the petitioner that the medical certificate submitted by the petitioner regarding illness of said witness namely Pawan Kumar was found to be suspicious on the ground that in the application treatment period was mentioned as 2.2.2005 to 6.5.2005 whereas, that application was filed on 2.5.2005.

For the aforesaid reasons, I am of the opinion that it cannot be said that the order passed by the trial court suffers from material irregularity or illegality. Therefore, I do not find any substance in this writ petition, same is liable to be dimissed having no merit and accordingly, it is dismissed at the admission stage itself.

Sd/-
L.C. Bhadoo
Judge

(पीछे देखिये)